



ONE-ON-ONE IDENTIFICATIONS

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I. USE OF ONE-ON-ONE IDENTIFICATION

A one-on-one identification may be used by an agent in the following situations:

1. When a possible suspect is located in close proximity to the location the perpetrator was last seen, a short time after the crime.
2. When there is not sufficient time to assemble a photographic lineup or a multi-person lineup before a suspect in custody will have to be released.
3. When there is some characteristic of the suspect's appearance so unique that:
 - a. It is unlikely that someone else other than the perpetrator would have the same characteristic; and
 - b. It would be extremely difficult to include the suspect in a lineup of any kind due to the inability to locate other subjects with a similar appearance.

II. INVESTIGATIVE PROCEDURES

1. If a suspect has been located a reasonable distance from where the offense occurred or where the suspect was last seen, within a reasonable time period, and the victim/witness states that they would be able to identify the perpetrator if seen again, an attempt should be made to have the victim/witness do so. Reasonableness will be determined by the circumstances.
2. Unless the suspect is already under arrest for something else, the agent should explain to the suspect the reason why he is being detained. The victim/witness should then be taken to the location where the suspect is being detained for the one-on-one identification. If the victim/witness refuses to go, the suspect should be transported to the victim/witnesses location.
3. Before the victim/witness views the suspect, the agent should instruct the victim/witness similar to the following: "Understand that although this person has been detained, it does not necessarily mean that he was the one who committed the offense. Please look at the person and tell me if you recognize this person as being involved."

4. If the suspect is in custody and handcuffed, the handcuffs should be behind the back and not visible to the victim/witness to avoid prejudicing the victim/witness identification. If possible, only one agent should be near the suspect when the viewing is done.
5. All victims/witnesses should view the suspect(s) separately.
6. All statements made by the victim/witness should be recorded in the agent's notes. This information is then included in the incident report (or supplement report if the agent conducting the lineup is not the agent conducting the investigation).
7. Determine whether the victim/witness normally wears corrective lenses, and, if so, whether they were wearing them during the incident, and whether they are wearing them at the time of the viewing of the suspect.

III. SPECIAL CONSIDERATIONS

No specific rules exist regarding what constitutes a reasonable amount of time between when the incident occurred and when the one-on-one identification takes place, or under what conditions the lineup should be conducted. Certainly, the closer together the crime and the identification occur, the more difficult it is to challenge a resulting identification at trial, but in the case of *William Neil vs. Archie Biggers*, heard by the U.S. Supreme Court in 1972, a one-on-one identification that took place in a police station seven months after the crime was committed was upheld. The Supreme Court stated in the case of *Simmons vs. United States* (1968), "each case must be considered on its own facts." These cases, plus the case of *Coleman vs. Alabama* (1970), established some general guidelines to consider in determining whether a one-on-one identification will be admissible in court. There must be a balance between the suspect's rights and the immediate need to make an identification to prevent the escape of a guilty party.

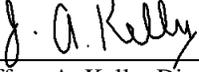
1. Consider the following circumstances when attempting to determine whether to do a one-on-one identification:
 - a. What was the level of certainty of the victim/witness that they could identify the perpetrator if seen again?
 - b. How thorough was the description of the perpetrator by the victim/witness?
 - c. How suggestive would it be to do a one-on-one identification?
 - d. Is it possible to do a one-on-one identification under conditions that would not be suggestive?
 - e. If some time has passed since the crime was committed, has the victim/witness previously identified anyone else as the perpetrator?
 - f. How long were the victim/witness and perpetrator in contact?
 - g. What were the lighting conditions at the time?
 - h. Is there some characteristic of the suspect's appearance so unique that:
 - i. It is unlikely that someone else would have the same characteristic; and
2. It would be extremely difficult to include the suspect in a lineup of any kind other than a one-on-one due to the inability to locate other subjects with a similar appearance.
 - j. How much opportunity did the victim/witness have to view the perpetrator at the time of the crime, and what was the victim/witness's degree of attention?

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k. Do not use a less reliable procedure where a more reliable one may be available.

Remember that an illegal identification made during the investigation will taint any later in-court identification by the victim or witness

IV. **CANCELLATION:** None.



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